

104TH CONGRESS  
1ST SESSION

# H. R. 1170

To provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1995

Mr. BONO (for himself, Mr. HYDE, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. COBLE, Mr. GEKAS, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. HOKE, Mr. COX of California, Mr. MCCOLLUM, Mr. DREIER, Mr. PAXON, Mr. RIGGS, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. SCHIFF, Mr. CALVERT, Mr. PACKARD, Mr. SMITH of Texas, Mr. BAKER of California, Mr. HERGER, Mr. HUNTER, Mr. DORNAN, Mr. THOMAS, Mr. HEINEMAN, Mr. CUNNINGHAM, Mr. POMBO, Mr. INGLIS of South Carolina, Mr. McKEON, Mr. DOOLITTLE, Mr. KIM, Mr. BUYER, Mr. ROYCE, Mr. FLANAGAN, Mr. BARR, Mr. HORN, Mr. BRYANT of Tennessee, Mr. BILBRAY, Mr. CHABOT, Mr. RADANOVICH, and Mrs. SEASTRAND) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. 3-JUDGE COURT IN CERTAIN ACTIONS.**

4 (a) IN GENERAL.—Any action that is brought in or  
5 removed to a district court of the United States and that

1 challenges the constitutionality of a State law adopted by  
2 referendum shall be heard and determined by a court of  
3 3 judges in accordance with section 2284 of title 28,  
4 United States Code, and any appeal of such action shall  
5 be to the Supreme Court. In any such action, the addi-  
6 tional judges who will serve on the 3-judge court shall be  
7 designated under section 2284(b)(1) of title 28, United  
8 States Code, as soon as practicable, and the court shall  
9 expedite the consideration of the action.

10 (b) INJUNCTIONS AGAINST ENFORCEMENT OF STATE  
11 LAW.—An interlocutory or permanent injunction restrain-  
12 ing the enforcement, operation, or execution of a State law  
13 adopted by referendum shall not be granted by a district  
14 court or judge thereof upon the ground of the unconsti-  
15 tutionality of such State law unless the application for the  
16 injunction is heard and determined by a court of 3 judges  
17 convened pursuant to subsection (a). For purposes of sub-  
18 section (a), the term “action” includes an application for  
19 an injunction described in this subsection.

20 **SEC. 2. DEFINITIONS.**

21 As used in this Act—

22 (1) the term “State” means each of the several  
23 States and the District of Columbia;

24 (2) the term “State law” means the constitu-  
25 tion of a State, or any ordinance, rule, regulation,

1 or other measure of a State that has the force of  
2 law, and any amendment thereto; and

3 (3) the term “referendum” means the submis-  
4 sion to popular vote of a measure passed upon or  
5 proposed by a legislative body or by popular initia-  
6 tive.

7 **SEC. 3. EFFECTIVE DATE.**

8 This Act applies to any action commenced on or after  
9 the date of the enactment of this Act.

